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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory A. FARRELL

Serial No.: 09/549,036

Group Art Unit: 1743

Filing Date: April 13, 2000

Examiner: Dwayne K. HANDY

Title: **VARIABLE RATE PARTICLE COUNTER
AND METHOD OF USE**

Entity Status: Large Entity

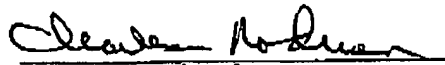
Our Docket: MST-2322.1 (BYR-83)

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this paper and the enclosures (4 pages total) is being transmitted via facsimile number (703) 872-9306 on the date shown below to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on March 16, 2005


Charles B. Rodman
Attorney for Applicant

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF ATTORNEY FILING
PETITION UNDER 37 CFR § 1.137(b)**

Sir:

I, Charles B. Rodman, declare as follows:

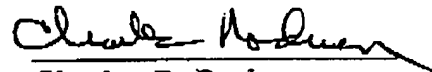
1. That the USPTO decision dated March 7, 2005 (*copy enclosed*) granting the Petition to Revive this application under 37 CFR § 1.137(b), raised an issue of whether the person signing the statement of unintentional delay was in a position of knowing that the entire delay was unintentional;

2. That I am the person who filed and signed the statement of unintentional delay in the Petition;

3. That on information and belief, I was in a position to know that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable Petition pursuant to 37 CFR 1.137(b) was unintentional.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Charles B. Rodman
Registration No. 26,798
Attorney for Applicant

Dated: March 16, 2005
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